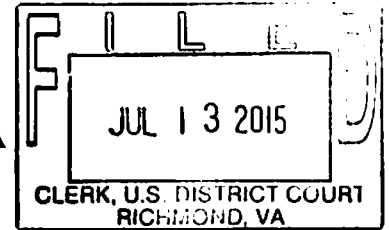


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division




ERNEST DONALD WASHINGTON, )  
)  
Petitioner, )  
)  
v. )  
)  
JAMES BEALE, )  
)  
Respondent. )

Civil Action No. 3:15CV69-HEH

**MEMORANDUM OPINION**  
**(Dismissing Action Without Prejudice)**

On June 22, 2015, Ernest Donald Washington filed a Motion to Withdraw § 2254 Petition (ECF No. 20). Respondent filed his answer on June 5, 2015. Therefore, Washington requires leave of Court to dismiss his action. *See* Fed. R. Civ. P. 41(a). “A [party’s] motion under Rule 41(a)(2) for dismissal without prejudice should not be denied absent substantial prejudice to the defendant.” *Andes v. Versant Corp.*, 788 F.2d 1033, 1036 (4th Cir. 1986) (citing *Kenrose Mfg. Co. v. Fred Whitaker Co.*, 512 F.2d 890, 895 (4th Cir. 1972)). Respondent fails to suggest that he will suffer substantial prejudice if Washington’s Motion to Withdraw is granted. Accordingly, Washington’s Motion to Withdraw (ECF No. 20) will be granted. The action will be dismissed without prejudice. The outstanding motions (ECF Nos. 12, 14, 15) will be denied as moot.

An appropriate Memorandum Opinion will issue.

 \_\_\_\_\_ /s/  
HENRY E. HUDSON  
UNITED STATES DISTRICT JUDGE

Date: July 10, 2015  
Richmond, Virginia